

REMARKS

Claims 1-10, 18 and 19 are pending.

I. 35 USC § 112

Claims 1-10, 18 and 19 stand rejected under 35 USC § 112, first paragraph, as allegedly containing subject matter which is not sufficiently described in the specification. In response, the claims have been amended to identify that the rare earth compound is activated by treating a material consisting essentially of "a rare earth oxide with an aqueous alkaline solution and an oxidizing agent." This feature can be found in the specification in the first two paragraphs of page 6, and the paragraph bridging pages 14 and 15, as well as Example 1 (beginning at page 5, line 9) and Example 3 (beginning at page 13, line 18).

The Office Action additionally comments on the negative limitation regarding the nickel hydroxide particles. However, as the negative limitation has been removed from the claims, reconsideration is respectfully requested.

II. 35 USC § 102

Claims 1-3, 6-10, 18 and 19 stand rejected under 35 USC § 102(e) as allegedly being anticipated by Ogasawara et al. (U.S. Patent No. 6,136,473). The Office Action asserts by Ogasawara et al. teaches each feature recited by the rejected claims.

The Office Action states that by Ogasawara et al. "discloses the claim limitations," and cites column 5, lines 13-63. In light of the amendments above, reconsideration is respectfully requested.

Specifically, the present claims recite: "the at least one activated rare earth compound produced by treating a material consisting essentially of a rare earth oxide with an aqueous alkaline solution and an oxidizing agent." In contrast, Ogasawara et al. teaches in the cited Example, to combine both 8-nickel hydroxide powder and the rare earth oxide with an aqueous alkaline solution and an oxidizing agent.

Accordingly, Ogasawara et al. neither teaches nor suggests to "treating a material consisting essentially of a rare earth oxide with an aqueous alkaline solution and an oxidizing agent."

III. 35 USC § 103

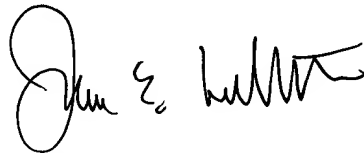
Claims 4 and 5 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Ogasawara et al. in view of Furukawa et al. (U.S. Patent No. 6,136,473). However, as fails to cure the deficiencies of Ogasawara et al., as described in Section II, reconsideration is requested.

IV. Conclusion

Applicants respectfully request passage of the application to allowance. In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James E. Ledbetter", with a stylized, cursive script.

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JEL/EPR

Attorney Docket No. L7016.01105

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